

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 01 SEP 2005

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Applicant's or agent's file reference P36502-P0		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/JP2004/014885		International filing date (day/month/year) 01.10.2004	Priority date (day/month/year) 01.10.2003	
International Patent Classification (IPC) or national classification and IPC G07C3/00, G06K19/07, G06F17/60				
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 807 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 21.02.2005		Date of completion of this report 31.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Paraf, E Telephone No. +49 89 2399-		



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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-28 as originally filed

Claims, Numbers

1-22 as originally filed

Drawings, Sheets

1/21-21/21 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13,15-22
	No: Claims	14
Inventive step (IS)	Yes: Claims	8-12
	No: Claims	1-7,13-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 The following documents can be referred to in this communication :

- D1 : US-A1-2002 174025 (MATHEWSON JAMES M ET AL) 21 November 2002
- D2 : WO-A-00 67546 (SIEMENS AG) 9 November 2000 (2000-11-09)
- D3 : US-A1-2002 188259 (HICKLE RANDALL S ET AL) 12 December 2002
- D4 : WO-A-01 45013 (ONEWARRANTY COM INC) 21 June 2001
- D5 : EP-A-1 345 164 (EM MICROELECTRONIC MARIN SA) 17 September 2003

2. Independent claim 14.

2.1 Document D2 discloses a method for writing informations in an IC tag placed on a printed-circuit-board (PCB) consisting in writing informations (Informationen über die Hersteller der bestücken Bauelemente) about a component in the IC tag (transponder 13) mounted on the PCB at the time when the component is mounted on the PCB.
[page 2, lines 18-33 ; page 5, lines 25-36]

2.2. The subject-matter of claim 14 is therefore not new (Article 33(2) PCT).

3. Independent claims 1 and 15.

3.1 The subject-matter of claim 1 is not inventive in the sense of Article 33(4) PCT.

3.2 Document D1 discloses a method for identifying an product to be recalled comprising the steps of :
[paragraphs 31-32, 37, 42-45]

- collecting informations stored in an IC-tag (storage unit 80, RFID tag 81) attached to a product via a communication network ;
- checking to collected informations with respect to corresponding informations (appropriate databases) related to the product to be recalled and identifying the product to be recalled based on a checking result and informations stored in the IC-tag.

3.3. Applying the method disclosed in document D1 concerning products in general to apparatus as defined in claim 1 would be achieved by the skill person without the exercise of any inventive skill.

3.4. The same reasoning applies, *mutatis mutandis*, to independent claim 15 which defines a corresponding subject-matter, and therefore is also considered not inventive.

4. Independent claims 16, 18.

4.1. The subject-matter of claim 16 is not inventive in the sense of Article 33(4) PCT.

4.2. Document D1 discloses a device for identifying a product to be recalled comprising :
[paragraphs 44-45 ; figures 5 & 6]

- a collecting unit (communication interface 16) operable to collect informations stored in an IC-tag (storage unit 80, RFID tag 81) attached to a product via a communication network (short range wireless communications 22) ;
- a unit (data processor 14) searching appropriate databases, on receiving the identity of products, to determine if any recall messages exist on this products.

4.3. Although the document D1 does not disclose the detailed architecture of the data processor 14 being linked to a communication interface and to databases, and having the tasks to compare acquired data with corresponding data previously memorized in some databases, it is obvious to the skill person to implement such a unit with a central processing unit and some memories without the exercise of any inventive skill.

4.4 Document D1 further discloses a system (system 400) including a device (shopping cart attachment device 50) having a reading unit (RFID tag reader 56).

The previous reasoning applies therefore to independent claim 18 which is also considered not inventive.

5. Dependent claims.

5.1. Dependent claims 2-7, 13, 17, 19-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step for the following reasons.

- the additional features of claims 7, 13 are disclosed in document D1.
- the additional features of claim 3 are disclosed in document D2.

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(SEPARATE SHEET)**

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- claims 2, 4-6 : the number and the type of informations on which the checking is based between acquired informations in the IC-tag and informations in databases cannot be recognize as a basis for an inventive step.
- the additional features of claims 19-22 belongs to the general knowledge of the skill person.

5.2. Claims 8-12.

The combination of the features of dependent claims 8-12 is neither known from, nor rendered obvious by, the available prior art. None of the documents relevant for the subject-matter of the independent claims discloses the use of a firmware and therefore the updating of such a firmware after the identification of the apparatus is neither disclosed.

Re Item VIII.

6. Clarity.

Dependent claim 7 introduces "the display unit", whereas no display unit has been defined in previous claims 1-6 and therefore lacks of clarity (Article 6 PCT).